

Appl. No.: 10/774,821
Reply to Office Action of: 05/29/2008

REMARKS

In regard to section 2 of the office action, MPEP 606 states that the "title should be brief but technically accurate". Applicants respectfully submit that the title ("Portable Electronic Device with Camera") is sufficient and in accordance with the MPEP.

Claims 1-4, 7, 8, and 11-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Miyake (US 7,110,033). Claims 5, 6, 19-23, 31, and 33-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miyake (US 7,110,033) in view of Miyake (US 6,836,669). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Miyake (US 7,110,033) in view of Harazono (US 7,029,186). Claims 24, 25, 28-30 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miyake (US 7,110,033). Claims 10, 26, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miyake (US 7,110,033) in view of Nishio et al. (US 7,077,663). The examiner is requested to reconsider these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is submitted that Miyake fails to teach each and every element as set forth in claims 1 and 12 for at least the reasons described below.

Applicants have amended claim 1 to recite, *inter alia*, "wherein the stepless movement height connection extends

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beyond a height of the electrical connector along the first axis".

Miyake discloses an imaging element 2, a substrate 28, and a socket component 29. The substrate 28 includes a circuit pattern 28a formed on a side thereof. The socket component 29 comprises an opening section 29b. The socket component 29 has a circuit pattern 29a which enables electrical connection with the circuit pattern 28a when the substrate 28 constituting the imaging device is fitted into the socket component 29 (see col. 26 lines 6-9). More specifically, "the opening section 29b is for fitting the substrate 28 into the socket component 29 (see col. 26, lines 55-56). The height of the substrate 28 and the circuit pattern 28a is less than the height of the socket component 29. Therefore the circuit pattern 28a extends within the height of the socket component 29. There is no disclosure or suggestion in Miyake to provide a circuit pattern on the substrate 28 that extends beyond a height of the socket component 29. The features of claim 1 are not disclosed or suggested in the art of record. Therefore, claim 1 is patentable and should be allowed.

Though dependent claims 2-11 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 12 to recite, *inter alia*, "An apparatus comprising ... a housing ... camera optics and electronics inside the housing".

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Miyake discloses an imaging element 2, a substrate 28, and a socket component 29. The imaging element is on the substrate 28. There is no disclosure or suggestion in Miyake to provide the connector socket 29 as a housing for the imaging element 2. Thus, Miyake fails to teach "camera optics and electronics inside the housing ... electrical conductors extending along a rear end of the housing and along a first lateral side of the housing", as claimed in amended claim 12. Accordingly, claim 12 is patentable over the art of record and should be allowed.

Though dependent claims 13-18 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 12. However, to expedite prosecution at this time, no further comment will be made.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicants have amended claim 19 to recite, *inter alia*, "wherein a height of the camera receiving area is sized and shaped to be less than a height between the plurality of different locations along the majority of the height of the camera".

Similar to the arguments presented above with respect to claim 1, Miyake (US 7,110,033) discloses an imaging element 2, a substrate 28, and a socket component 29. The substrate 28 includes a circuit pattern 28a formed on a side thereof. The socket component 29 comprises an opening section 29b. The

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socket component 29 has a circuit pattern 29a which enables electrical connection with the circuit pattern 28a when the substrate 28 constituting the imaging device is fitted into the socket component 29 (see col. 26 lines 6-9). This is achieved by providing the socket component 29 that has an overall height greater than the substrate 28 and circuit pattern 28a (see Fig. 64). Thus the height of the opening section 29b is greater than the height of the circuit pattern 28a. Miyake (US 6,836,669) discloses a portable telephone comprising an image pick up device 1 and a circuit board 2. Lead portions 104 are attached between the image pick up device 1 and the circuit board 2. The lead portions 104 extend from a single location along the sides of the image pick up device 1 (see Figs. 1, 2A, and 2B). There is no disclosure or suggestion in Miyake (US 6,836,669) to provide electrical contact at one of a plurality of different locations along a majority of a height of the image pick up device 1 inside the opening 201. Neither Miyake (US 7,110,033) nor Miyake (US 6,836,669) teach or suggest a camera receiving area adapted to receive a camera therein and make electrical contact at one of a plurality of different locations along a majority of a height of the camera inside the camera receiving area wherein a height of the camera receiving area is sized and shaped to be less than a height between the plurality of different locations along the majority of the height of the camera, as claimed in applicants' claimed invention.

Additionally, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at

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least not until after reading applicants' patent application). In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide a camera electrical connector comprising a camera receiving area adapted to receive a camera therein and make electrical contact at one of a plurality of different locations along a majority of a height of the camera inside the camera receiving area, wherein a height of the camera receiving area is sized and shaped to be less than a height between the plurality of different locations along the majority of the height of the camera.

The height of camera receiving area with respect to the height between the plurality of different locations (making electrical contact) along the height of the camera is significant as this provides for the camera electrical connector to extend between greater distances than those possible in prior art configurations. This allows for the camera to be fitted at the various heights 87, 88, 89 (see Figs. 9-11) with respect to the printed wiring board. This allows for applicants' claimed invention to perform differently when compared to the disclosures of Miyake (US 7,110,033) and Miyake (US 6,836,669) which only allow for an electrical connection at a single height.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary

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skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

The features of claim 19 are not disclosed or suggested in the art of record. Therefore, claim 19 is patentable and should be allowed.

Though dependent claims 20-23 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 19. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 24 to recite, *inter alia*, "wherein the camera comprises electrical conductors on a portion of a side of the housing ... and wherein a height of the

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portion of the side of the housing comprising the electrical conductors is greater than a height of the electrical connector".

Similar to the arguments presented above with respect to claim 1, Miyake discloses an imaging element 2, a substrate 28, and a socket component 29. The substrate 28 includes a circuit pattern 28a formed on a side thereof. The socket component 29 comprises an opening section 29b. The socket component 29 has a circuit pattern 29a which enables electrical connection with the circuit pattern 28a when the substrate 28 constituting the imaging device is fitted into the socket component 29 (see col. 26 lines 6-9). The height of the substrate 28 and the circuit pattern 28a is less than the height of the socket component 29. Therefore, the height of the side of the substrate 28 comprising the circuit pattern 28a is less than a height of the socket component 29. There is no disclosure or suggestion in Miyake to provide the height of the side of the substrate 28 comprising the circuit pattern 28a to be greater than the height of the socket component 29. The features of claim 24 are not disclosed or suggested in the art of record. Therefore, claim 24 is patentable and should be allowed.

Though dependent claims 25-32 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 24. However, to expedite prosecution at this time, no further comment will be made.

Claim 33 claims "wherein a height of the electrical conductors extending along the majority of the height of the first

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lateral side of the camera is greater than a height of the electrical connector". The examiner stated that claim 33 "is a method claim of the apparatus in claim 19 ... [t]herefore, grounds for rejecting claim 19 apply here". Claim 19 claims making electrical contact at one of a plurality of different locations along a height of the camera. **Claim 19 does not claim any conductors extending along a lateral side of the camera as claimed in claim 33.** The examiner is requested to clarify this rejection. However, similar to the arguments presented above with respect to claims 1 and 19, the height of the substrate 28 and the circuit pattern 28a is less than the height of the socket component 29. There is no disclosure or suggestion in Miyake to provide the circuit pattern 28a with a height greater than the socket connector 29. There is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). Neither Miyake (US 7,110,033) nor Miyake (US 6,836,669) teach or suggest the features or method of claim 33. Therefore, claim 33 is patentable and should be allowed.

Though dependent claims 34-36 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 33. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 37 to recite, *inter alia*, "wherein the stepless movable height connection comprises a first portion connected to the device printed wiring board and a second portion connected to the camera, wherein a height of

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the second portion extends beyond a height of the first portion". Similar to the arguments presented above with respect to claims 1 and 19, the height of the substrate 28 and the circuit pattern 28a is less than the height of the socket component 29. There is no disclosure or suggestion in Miyake to provide the circuit pattern 28a with a height which extends beyond the height of the socket connector 29. There is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). Neither Miyake (US 7,110,033) nor Miyake (US 6,836,669) teach or suggest the features of claim 37. Therefore, claim 37 is patentable and should be allowed.

Though dependent claim 38 contains allowable subject matter, this claim should at least be allowable due to its dependence from allowable claim 37. However, to expedite prosecution at this time, no further comment will be made.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. If there are any additional charges with respect to this Amendment or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

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Respectfully submitted,



Juan Juan (Reg. No. 60,564)

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Date.

Customer No.: 29683
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

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